COCP No.487 of 2006

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.487 of 2006
Date of decision: November 14, 2006.

Ishwar Singh

...**Petitioner(s)**

v.

Shri N. Bala Bhaskar & Ors.

...**Respondent(s)**

Present: Shri H.S. Gill, Senior Advocate with
Shri Ramesh Kumar Dhiman, Advocate for the petitioner.

Shri Ravi Dutt Sharma, Dy. Advocate General, Haryana
for the respondents.

Surya Kant, J. (Oral)

A few facts may be noticed.

Services of the petitioner, who was working as a daily wager, were retrenched. He raised an industrial dispute which was answered in his favour by the Industrial Tribunal vide award dated 16.1.1995. The said award attained finality. In compliance thereto, though the petitioner was reinstated in service on 27.6.1993, the arrears of back wages were paid to him after a period of 7 years in January 2002. Meanwhile, it appears that during the period which he remained out of service, was not counted for the purpose of regularization of service which led him to file CWP No.11197 of 2003. The said writ petition was allowed by this court on 8.10.2003 whereby the petitioner was held entitled for regularization of his services under the government policy.

The respondents filed a review application for recalling the

aforesaid order dated 8.10.2003 but their review application was also dismissed on 11.2.2005.

The above said orders, however, were not fully implemented, compelling the petitioner to initiate these contempt proceedings.

In response to the show cause notice, an affidavit dated 16.5.2006 of Balbir Singh Chahal, Executive Engineer, Water Services Division, Kurukshetra has been filed, which is taken on record. In para 2 of the affidavit, it is averred that the petitioner has now been paid arrears of difference to pay from 1.4.2003 to 30.11.2005 amounting to Rs.2,79,204/-, which have been deposited in his account on 15.5.2006.

As the facts would speak for themselves, the respondents have failed to implement the orders passed by this court in time and there is hardly any explanation in the affidavit as to why the inordinate delay has happened.

However, having regard to the fact that the petitioner can be suitably compensated in monetary terms, I do not deem it appropriate to continue with these proceedings. Consequently, this petition is disposed of with a direction to the respondents to pay interest to the petitioner @ 7% per annum on the above mentioned arrears w.e.f. 1.3.2005 till 15.5.2006. The arrears of interest shall be paid within two months, failing which the same shall be recoverable from respondent No.3 and/or other officials responsible for the delay.

Disposed of.

Rule discharged.

November 14, 2006. [**Surya Kant**]
kadyan **Judge**